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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
1. 1997 BMW 328i;)
)
2. 1999 NAUTIQUE SKI BOAT AND)
TRAILER; and;)
)
3. 1999 CHEVY TAHOE,)
)
Defendants.)

No. C 01-20988 JF (HRL)

**STIPULATION AND [PROPOSED] ORDER
FOR FURTHER STAY OF ACTION**

IT IS HEREBY STIPULATED by and between plaintiff United States of America and claimant Michael Johnston, through undersigned counsel, that the Court further extend the stay in the above-captioned action for approximately 6 months. Michael Johnston, the sole claimant in this action, is currently awaiting trial in a related criminal prosecution in this district which is captioned, United States v. Michael Johnston, et al. (Case no. CR 04-20179 JF). The allegations in the forfeiture complaint are based, in large part, on the allegations at issue in the pending criminal action. At the request of the parties, the Court previously issued an order staying this

1 action. The factual predicate for that request has not changed as counsel are advised that the
2 criminal case is still ongoing. According to the criminal docket sheet, the matter has been set for
3 trial on February 1, 2008; a motions hearing has been scheduled for December 12, 2007.
4 Consequently, the parties agree that extending the stay in the forfeiture proceeding continues to
5 be appropriate in order to preserve Mr. Johnston's right against self-incrimination in the related
6 criminal case. Accordingly, the parties request that the Case Management Conference currently
7 set for October 5, 2007, at 10:30 a.m. be vacated, and that the matter be set for further status in
8 April, 2008.

9
10 DATED: 09/27/07

DATED: 9/27/07

11
12 /S/
13 STEPHANIE M. HINDS
14 Assistant United States Attorney

/S/
ERIC J. SIDEBOTHAM
Attorney for Claimant Michael Johnston

15
16 IT IS HEREBY ORDERED:

17 Upon the stipulation of counsel, and good cause appearing, the above-entitled civil
18 forfeiture action is stayed in light of the pending related criminal prosecution of Michael
19 Johnston. The case management conference currently scheduled for October 5, 2007, at 10:30
20 a.m. is vacated and the matter is continued until April 4, 2008 for status.

21
22 DATED: 10/1/07


JEREMY FOGEL
United States District Judge